Appendix A to the Consent Decree between the
United States and the Puerto Rico Department of Natural and Environmental Resources in
U.S. v. Municipality of San Juan, et al., 3:14-CV-1476 (D.P.R.) (CCC)

Storm Water Management Program Requirements for DNER's Pump Stations

APPENDIX A

STORM WATER MANAGEMENT PROGRAM REQUIREMENTS FOR DNER'S BALDORIOTY DE CASTRO, DE DIEGO AND BARRIADA FIGUEROA PUMP STATIONS

Pursuant to Paragraph 9(b) of the Consent Decree, DNER shall develop and implement a Storm Water Management Program ("SWMP") for its Baldorioty de Castro, De Diego, and Barriada Figueroa (alternatively, "Stop 18") pump stations ("DNER Pump Stations" or "DNER's Municipal Separate Storm Sewer System" or "DNER's MS4") consistent with the terms of this Appendix. The terms of this Appendix shall be carried out in accordance with DNER's legal authority.

The requirements below shall apply only to the DNER Pump Stations. Pursuant to Paragraph 9(c) of the Consent Decree, if the United States Environmental Protection Agency ("EPA") determines that DNER owns and/or operates any of the stormwater collection systems or related infrastructure upstream of the DNER Pump Stations, DNER shall implement and comply with all applicable requirements of applicable NPDES permits including the SWMP requirements for such systems.

I. Contents of the SWMP

A. DNER shall include the following information in its SWMP:

1. A measurable goal that includes the development of ordinances or other regulatory mechanisms providing the legal authority necessary to implement and enforce the requirements of the SWMP, including to prohibit illicit discharges into DNER's MS4 and to eliminate and enforce illicit discharges into DNER's MS4 through illicit connections to DNER's MS4. DNER should include a description of any limitations of its legal authority. The ordinances and regulatory mechanisms shall be incorporated into an appendix to the SWMP. For the purpose of this Appendix and the SWMP only, the term "illicit connection" shall mean an unauthorized physical connection to an MS4.

2. To address illicit discharges into DNER's MS4 from illicit connections to collections system(s) owned by other parties:

   a) A measureable goal to enter into interlocal agreements with municipalities, agencies, departments, or others, as appropriate, that own the collection system(s) discharging into DNER's MS4; and

   b) The notification procedures in Section II.

3. Written procedures describing how DNER will implement the Minimum Control Measures ("MCM"), including the identification of measureable goals and as appropriate, timeframes in months and years in which DNER will undertake the required actions, along with interim milestones and/or completion milestones. DNER shall also indicate, as appropriate, the frequency of the action(s) for each MCM.

B. In addition, DNER shall also include in its SWMP:

1. Identification of names and titles of people responsible for program implementation. If a position is currently unfilled, list the title of the position and modify the SWMP with the name once the position is filled.

2. Listing of all receiving waterbody segments, their classification under the applicable Commonwealth of Puerto Rico water quality standards, any impairment(s) and associated pollutant(s) of concern, applicable Total Maximum Daily Loads ("TMDLs"), and number of outfalls from DNER's MS4 that discharge to each waterbody. In addition to the receiving water, DNER shall document in the SWMP all public drinking water sources (surface water and groundwater) that may be impacted by its discharges.

3. A map of the MS4.

4. Description of practices for discharges to impaired waters with an approved TMDL including:

   a) The person(s) or department responsible for the measure;

   b) The Best Management Practices ("BMPs") for the control measure;

   c) The measurable goal(s) for each BMP. Each measurable goal for such BMP shall include milestones and timeframes for its implementation and have a quantity or quality associated with its endpoint. Each goal must have a measure of assessment associated with it.

5. Description of practices for discharges to impaired waters without an approved TMDL, including for each BMP:

   a) The person(s) or department responsible for the measure;

   b) The BMPs for the control measure;

   c) The measurable goal(s) for each BMP. Each measurable goal for such BMP shall include milestones and timeframes for its implementation and have a quantity or quality associated with its endpoint. Each goal must have a measure of assessment associated with it.

6. Description of practices to reduce the discharge to the maximum extent practicable including for each BMP:

   a) The person(s) or department responsible for the measure;

   b) The BMPs for the control measure;

   c) The measurable goal(s) for each BMP. Each measurable goal for such BMP shall include milestones and timeframes for its implementation and have a quantity or quality associated with its endpoint. Each goal shall have a measure of assessment associated with it.

7. Annual program evaluation. Update annually and maintain copies.

II. Legal Authority, Resources, and Requirements

A. Ordinances and Regulatory Mechanisms:

1. DNER shall seek legislative authority to create adequate legal authority to prohibit illicit discharges into DNER's MS4 and to eliminate and enforce, including penalty and injunctive authorities, illicit discharges through illicit connections to DNER's MS4.

2. For illicit discharges into DNER's MS4 resulting from illicit connections to collection systems owned by another party, DNER shall perform the following actions:

a) Enter into interlocal agreements with municipalities, agencies, departments, or others, as appropriate. These interlocal agreements must state the extent to which the municipality, agency, department and/or private entity will be responsible for inspections and enforcement to identify and eliminate illicit connections and discharges resulting in illicit discharges to DNER's MS4, and include the notification procedures in subparagraph (b)(i)-(v) below, or,

b) If after good faith efforts or due to legal prohibitions, it is not feasible for DNER to enter into interlocal agreements, DNER shall notify, in accordance with the notification procedures below, the owner of the collection system(s) where the illicit discharge(s) is believed to originate, and regulatory agencies (Puerto Rico Environmental Quality Board ("EQB") and EPA) to report discharges or incidents that it cannot itself eliminate. Whether entering into such interlocal agreements is feasible shall include consideration of factors including but not limited to financial considerations and the willingness of the other party to the agreement to enter into such agreement.

(i) Within 30 days of the date of lodging of the Consent Decree, DNER shall establish, for dry weather illicit discharges, a baseline Severity Index for odor, change of color, turbidity and floatables and a baseline ammonia level. This baseline shall be reestablished annually beginning one year from the date of lodging of this Consent Decree. The initial baseline and all subsequent baselines shall be included in the first Quarterly Report after the baseline has been established or reestablished.

(ii) Until a baseline Severity Index and ammonia level is established, for illicit discharges with a Severity Index for odor, change of color, turbidity or floatables at or above 3, and/or ammonia levels of 3 mg/l or above, DNER must verbally notify the owner(s) of the collection system(s), and where ownership is unknown, all potential owners of the collection system(s), of the illicit discharge within 24 hours of detection. DNER must provide a written notification to such owner(s) within five (5) days of detection. The written notification shall include all sampling results obtained during the discharge pursuant to Appendix D and/or F.

(iii) Once a baseline Severity Index and ammonia level is established or reestablished, for illicit discharges with a Severity Index for odor, change of color, turbidity or floatables and/or an ammonia level at or below the baseline, DNER must notify, on a quarterly basis, the owner(s) of the collection system(s), and where ownership is unknown, all potential owners of the collection system(s), that such illicit discharges have occurred. These quarterly notifications shall include the frequency of occurrence during the quarter and all sampling results obtained in the quarter pursuant to Appendix D and/or F. These quarterly notifications shall continue until the illicit discharge is eliminated.

(iv) Once a baseline Severity Index and ammonia level is established or reestablished, for illicit discharges with a Severity Index for odor, change of color, turbidity or floatables and/or an ammonia level above the baseline, DNER must verbally notify the owner(s) of the collection system(s), and where ownership is unknown, all potential owners of the collection system(s), of the illicit discharge within 24 hours of detection. DNER must provide a written notification to such owner(s) within five (5) days of detection. The written notification shall include all sampling results obtained during the discharge pursuant to Appendix D and/or F.

(v) DNER shall maintain a database of all notifications and provide these notifications and database to EPA along with its Quarterly Reports required by the Consent Decree and its Annual Report required under its NPDES permit.

B. Resources: It is DNER's responsibility to ensure that it has adequate resources and funds to implement the requirements of the SWMP.

C. Requirement to Reduce Pollutants to the Maximum Extent Practicable ("MEP"): DNER shall reduce the discharge of pollutants from the DNER Pump Stations to the

maximum extent practicable ("MEP") though implementation of the control measures described herein, which shall be included in the SWMP.

D. Control Measures: Implementation of one or more of the minimum control measures ("MCMs") described in Sections III-VI below, may be shared with another entity (including another interconnected MS4) or another entity may fully implement the measure, if the requirements below are satisfied. DNER may enter into a legally binding agreement with the other party to establish this relationship; however, DNER ultimately remains responsible for compliance with its SWMP and the Consent Decree.

1. The other entity has an independent requirement to implement the control measure(s) or component(s) thereof, or the other entity agrees to implement the control measure or component(s) thereof on DNER's behalf;

2. The particular control measure or component thereof undertaken by the other entity is at least as stringent as DNER's control measure or component thereof; and

3. DNER must specify in its Quarterly Report for the last quarter of each calendar year (hereinafter "Annual Report"), that it is relying on another entity to satisfy its control measure(s) or component(s) thereof and must specify those control measures or components thereof.

III. MCM: Public Education and Outreach

A. DNER shall develop, implement, and maintain a comprehensive public outreach and education program that includes measurable goals to educate the public on stormwater issues of significance within the DNER Pump Station sewershed areas. The program shall include a component on pollutants of concern for impaired waters and priority waters that receive a discharge from the DNER Pump Stations. Priority waters include beaches, sensitive waterbodies, fishing areas, and drinking water supplies. The program should also include components on the hazards associated with illegal discharges and improper disposal of waste, the impact that stormwater discharges can have on local waterways, and the steps that the public can take to reduce pollutants in stormwater. The ultimate objective of the public education program is to increase knowledge and awareness of the discharges from the DNER Pump Stations, which in turn, would change public behavior such that pollutants in stormwater are reduced/eliminated.

B. The targeted audiences for the education program shall include the general public, businesses, employees, and any contractors living, located and working within the DNER Pump Station sewersheds. DNER may use some of the educational topics described below, as appropriate, or may focus on topics specific to the agency. DNER shall document, in its Annual Reports, the educational topics for each target audience. Additionally, DNER should also seek to partner with the Puerto Rico Department of Transportation and Public Works, the Puerto Rico Highway Transportation Authority, Municipality of San Juan, and any other MS4s where the DNER Pump Stations are located to enhance its educational outreach and to develop or utilize appropriate

educational materials, such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, and websites. DNER must also determine cost effective and practical methods and procedures for distribution of materials.

C. DNER's Public Education and Outreach Program shall, at a minimum:

1. Define the goals and objectives of the program based on high priority community-wide issues (for example, reduction of fecal coliform or oil and grease in discharges from the DNER Pump Stations and improving the quality of discharges to impaired waterbodies);

2. Identify the target audiences;

3. Include the development and utilization of appropriate educational materials, such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, and websites; and

4. Determine cost effective and practical methods and procedures for distribution of materials.

D. DNER shall make the educational materials available to the target audience(s) at least annually.

E. DNER shall review and update, as necessary, its Public Education and Outreach Program. Any changes must be reflected in the SWMP and Annual Report submitted to EPA. DNER's Public Education and Outreach Program must be maintained, on site and in the SWMP, and made available for inspection by the EPA. EPA has developed educational materials on environmental topics for the public and communities that are available at: http://cfpub.epa.gov/npstbx/index.html and http://www.epa.gov/espanol.

IV. MCM: Public Involvement

A. DNER shall involve the public in the planning and implementation activities related to developing and implementing the SWMP.

B. DNER shall:

1. Where feasible, consider using public input (for example, the opportunity for public comment, or public meetings) in the implementation of the program;

2. Where feasible, create opportunities for citizens to participate in the implementation of control measures, such as stream clean-ups, storm drain stenciling, volunteer monitoring, volunteer "Adopt-A-Stream" programs, volunteer "Adopt-A-Road" programs, and educational activities; and

3. Ensure the public can easily find information about/can have access to the SWMP.

C. All public involvement activities shall comply with the Commonwealth of Puerto Rico and local public notice requirements. The SWMP and all reports shall be available to the public. DNER is encouraged to satisfy this requirement by posting records online. DNER shall provide in its Annual Report the activities undertaken to provide public participation opportunities.

V. MCM: Illicit Discharge Detection and Elimination ("IDDE") Program

A. DNER shall develop and implement a program to detect, investigate, eliminate and enforce illicit discharges through illicit connections to its MS4. DNER shall comply with the interlocal agreements and notification procedures in Section II for illicit discharges into DNER's MS4 resulting from illicit connections to collection systems owned by another party. The program shall include a plan to detect and address non-allowable non-stormwater discharges, including illegal dumping. DNER shall implement an IDDE program to systematically find and eliminate illicit discharges through illicit connections to DNER's MS4 and make notifications in accordance with Section II for illicit discharges into DNER's MS4 resulting from illicit connections to collection systems owned by another party, as appropriate, and to implement procedures to prevent illicit connections and discharges.

B. Definitions and Prohibitions: DNER shall prohibit illicit discharges into DNER's MS4 and sanitary sewer overflows (SSOs) to DNER's MS4 in accordance with its legal authorities. An SSO is a discharge of untreated sanitary wastewater from a municipal sanitary sewer. An illicit discharge is any discharge that is not composed entirely of stormwater, except:

1. discharges authorized under a separate NPDES permit that authorize a discharge to the MS4 and

2. non-stormwater discharges, including water line flushing, landscape irrigation, diverted stream flows, rising ground water, uncontaminated ground water infiltration (as defined at 40 CFR Part 35.2005(20)), uncontaminated pumped ground water, discharge from potable water sources, foundation drains, air condition condensate, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual resident car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool discharges, street wash waters, residential building wash waters without detergents. Discharges or flows from firefighting activities are allowed under the Consent Decree and the SWMP, unless the discharges or flows are identified as significant sources of pollutants to waters of the United States.

C. Elimination of Illicit Discharges through Illicit Connections to DNER's MS4: Illicit discharges into DNER's MS4 are prohibited. Upon detection of an illicit discharge through an illicit connection to DNER's MS4, DNER shall eliminate the illicit discharge as expeditiously as possible, in accordance with its legal authorities. DNER shall identify and notify all responsible parties for any identified discharge and require immediate cessation of improper disposal practices and disconnection of the illicit connection to the extent DNER has not already disconnected the connection. DNER shall diligently pursue elimination of all illicit discharges. In the interim, DNER shall take all reasonable and prudent measures to minimize/mitigate the discharge of pollutants to its MS4. DNER shall maintain a database of notifications of the illicit discharges through illicit connections to its MS4 and provide these notifications and database to EPA along with its Quarterly Report required under the Consent Decree and its Annual Report under its

NPDES permit.

D. Prohibition of Sanitary Sewer Overflows (SSOs):

SSOs to DNER's MS4 are prohibited. Upon detection, DNER shall notify the Puerto Rico Aqueduct and Sewer Authority ("PRASA") and any pertinent agency, municipality and/or private entity to collaborate and eliminate SSOs as expeditiously as possible and shall take interim mitigation measures to minimize the discharge of pollutants to and from its MS4 until elimination is completed. In addition, DNER shall also coordinate and implement with PRASA, any municipality, any pertinent agency and/or private entity cleanup measures to minimize impacts to human health and the environment associated with the SSOs.

E. System Mapping:

1. DNER shall develop a map of its system that includes the following mapping elements:

a) outfalls and receiving waters including the name and/or segment identification number of the receiving waters and all use impairments, as identified on the Commonwealth of Puerto Rico's or the EQBs current CWA Section 303(d) list,

b) flood control pump stations,

c) interconnections with other MS4s, and

d) straight-pipe connections to its MS4.

2. The mapping shall be produced through computer-aided methods (e.g. GIS). The required scale and detail of the map shall be appropriate to facilitate a rapid understanding of the system by DNER and EPA.

3. DNER shall include in its SWMP, any DNER sewershed delineations and/or maps DNER has generated or has been provided by owners of the collection systems discharging into DNER's MS4.

F. Outfall Inventory:

1. DNER shall develop an outfall inventory that identifies each of its outfalls and provides a framework for outfall screening and other activities under DNER's IDDE Program.

2. An outfall means a point source as defined by 40 CFR Part 122.2 and is the point where DNER's MS4 discharges to waters of the United States.

3. The inventory shall include the following information: unique identifier, receiving water, dimensions, shape, material (concrete, PVC, etc.), spatial location (latitude and longitude with a minimum accuracy of +/-30 feet), physical condition and indicators of potential non-stormwater discharges (including presence or evidence of illicit connections, and sensory observations such as odor, color, turbidity, floatables, or oil sheen, field testing (e.g., ammonia strips, residual chlorine, surfactants tests, etc.), and any sampling/laboratory analysis as of the most recent inspection. See the Outfall Reconnaissance Inventory form in the EPA's IDDE manual.

G. Illicit Discharge Detection and Elimination Program:

1. The IDDE program shall be documented in writing. The IDDE program shall include each of the elements described below unless DNER provides a written explanation within the IDDE program as to why a particular element is not applicable to DNER. Notwithstanding DNER's explanation, EPA may at any time determine that a particular element is in fact applicable to DNER and require DNER to add it to the IDDE program.

a) Legal Authority. The IDDE program shall provide DNER's legal authority including the ordinance(s) and/or regulatory mechanism(s) and interlocal agreement(s) and notification procedures required pursuant to and in accordance with Section II.

b) Outfall and Interconnection Screening and Sampling. DNER shall demonstrate compliance with this SWMP requirement by complying with the monitoring required pursuant to Paragraph 13(a) of the Consent Decree, Appendix D and Appendix F during dry and wet weather.

c) Indicators of IDDE Program Progress. DNER shall define or describe indicators for tracking program success based on the monitoring pursuant to Paragraph 13(a) of the Consent Decree, Appendix D and Appendix F, as appropriate. DNER shall evaluate and report the overall effectiveness of the program based on the tracking indicators, in the Annual Report to be submitted to EPA.

d) Training. Training of employees involved in the IDDE program shall be conducted in accordance with Paragraph 14(c) of the Consent Decree. Such IDDE training should include how to recognize illicit discharges and SSOs, and to conduct the applicable notification procedures. DNER shall report on the frequency and type of employee training in the Annual Report to be submitted to EPA.

VI. MCM: Pollution Prevention and Good Housekeeping for DNER Pump Station Operations

A. Pursuant to Paragraph 11 of the Consent Decree, DNER shall develop and implement Standard Operating Procedures and Schedules for the DNER Pump Stations ("SOPs") and an Operation and Preventive Maintenance Plan for the DNER Pump Stations ("O&PM Plans"). Pursuant to Paragraph 12 of the Consent Decree, DNER shall develop and implement Spill Prevention Control and Countermeasures Plans for the DNER Pump Stations ("SPCC Plans"). DNER's SPCC Plan, SOPs and O&PM Plans developed under the Consent Decree shall be incorporated into its SWMP. To the extent that any of the following are applicable to DNER and are not included in DNER's SPCC Plans, SOPs, or O&PM Plan required under the Consent Decree for the DNER Pump Stations, DNER must include all applicable items in its SWMP.

B. DNER's O&PM Plans shall include an employee training component that has the ultimate goal of preventing or reducing pollutant runoff from the DNER Pump Stations.

C. The employee training component shall cover all aspects of the O&PM Plans, including applicable forms and procedures, and include a description of the methods and strategies to evaluate employee learning on the O&PM Plans.

D. DNER's O&PM Plans shall include written operation and maintenance procedures for the activities below. DNER shall develop an inventory of all MS4 facilities, review this inventory annually and update it as necessary. DNER shall ensure staff training to meet developed procedures.

1. Buildings and facilities where pollutants are exposed to stormwater runoff: Evaluate the use, storage, and disposal of petroleum products and other potential stormwater pollutants. Provide employee training as necessary so that those responsible for handling these products know proper procedures. Ensure that Spill Prevention Plans are in place, if applicable, and coordinate with the fire department as necessary. Develop management procedures for dumpsters and other waste management equipment. Sweep parking lots, as necessary, and keep areas surrounding the facilities clean to reduce runoff of pollutants.

2. Vehicles and Equipment. If applicable, establish procedures for the storage of DNER vehicles. Vehicles with fluid leaks shall be stored indoors or containment shall be provided until repaired. Evaluate fueling areas owned by DNER. If possible, place fueling areas under cover in order to minimize exposure. Establish procedures, if applicable, to ensure that vehicle wash waters are not discharged to the municipal storm sewer system or to surface waters.

3. Infrastructure Operations and Maintenance.

a) The SWMP must include a written program detailing the activities and procedures DNER will implement so that infrastructure is maintained in a timely manner to reduce the discharge of pollutants from pump stations. If DNER has an existing program to maintain its infrastructure in a timely manner to reduce or eliminate the discharge of pollutants from the MS4, DNER shall document the program in the SWMP.

b) DNER shall ensure proper storage of pump station screenings and debris prior to disposal or reuse such that they do not discharge to receiving waters.

c) DNER shall keep a written record of all activities including but not limited to maintenance activities, inspections and training.

VII. Discharges to Water Quality Impaired Waters

A. DNER shall identify in the SWMP and Annual Reports, all discharges, that:

1. Are subject to an approved Total Maximum Daily Load (TMDL); or

2. Discharge to a water identified as impaired by EQB pursuant to CWA Section 303(d) and for which TMDL development has been identified as necessary, but for which a TMDL has not yet been approved.

B. <u>Existing Discharge to an Impaired Water with an Approved TMDL</u>:

If DNER discharges to an impaired water body (see How's My Waterway at: www.epa.gov/mywaterway) with an approved TMDL, where stormwater has the potential to cause or contribute to the impairment, DNER shall include in the SWMP, controls and associated implementation measures targeting the pollutant(s) of concern, along with any additional or modified controls in the TMDL, and as described below:

1. Targeted Controls. The SWMP shall include a detailed description of all targeted controls to be implemented, such as identifying areas of focused effort or implementing additional BMPs that will be implemented to reduce the pollutant(s) of concern in the impaired waters.

2. Measurable Goals. For each targeted control, the SWMP shall include a measurable goal and an implementation schedule describing BMPs to be implemented.

3. The Annual Reports shall include the progress toward reducing the pollutant(s) of concern and an analysis of how the selected BMPs have been effective in reducing the pollutant(s) of control.

a) Monitoring or Assessment of Progress. DNER shall monitor or assess progress in reducing the pollutant(s) of concern and determine the effectiveness of BMPs.

(1) DNER shall use either of the following methods to evaluate progress towards reducing the pollutant(s) of concern:

(a) Evaluating Program Implementation Measures. DNER shall evaluate and report progress towards reducing the pollutant(s) of concern by describing the activities and BMPs implemented, by identifying the appropriateness of the identified BMPs, and by evaluating the success of implementing the measurable goals. DNER shall assess progress by using program implementation indicators such as: (1) number of sources identified or eliminated; (2) decrease in illegal dumping; (3) increase in illegal dumping reporting; (4) number of educational opportunities conducted; (5) reductions in SSOs; or, 6) increase in illegal discharge detection through dry weather screening, etc.; or

(b) Assessing Improvements in Water Quality. DNER shall assess improvements in water quality by using available data for segment and assessment units of water bodies from other reliable sources, or by proposing and justifying a different approach such as collecting additional instream or outfall monitoring data, etc. Data may be acquired from EQB, local river authorities, partnerships, and/or other local efforts as appropriate.

b) Observing No Progress Towards Reducing the Pollutant(s) of Concern. If, by the end of the third year from submission of the SWMP, DNER observes no progress toward reducing the pollutant(s) of concern, either from program implementation or water quality assessments, DNER shall identify alternative focused BMPs that address new or increased efforts towards reducing the pollutant(s) of concern, or as appropriate, shall develop a new approach to identify the most significant sources of the pollutant(s) of concern and shall develop alternative focused BMPs for those (this may also include information that identifies issues beyond DNER's control). These revised BMPs shall be included in the SWMP and discussed in subsequent Annual Reports.

C. Existing Discharge to an Impaired Water without an Approved TMDL:

DNER shall determine whether its discharge is directly to one or more water quality impaired water bodies (see How's My Waterway at: www.epa.gov/mywaterway) where a TMDL has not yet been approved by EQB and EPA. If DNER discharges directly into an impaired water body without an approved TMDL, it shall perform the following activities:

1. Discharging a Pollutant of Concern.

a) Within the first year following submission of the SMWP, DNER shall determine whether it may be a source of the pollutant(s) of concern by referring to the CWA Section 303(d) list and then determining if discharges from the MS4 would be likely to contain the pollutant(s) of concern at levels of concern.

b) If DNER determines that it may discharge the pollutant(s) of concern to an impaired water body without a TMDL, DNER shall, no later than two years following the submission of the SWMP, ensure that the SWMP includes focused BMPs, along with corresponding measurable goals, that DNER will implement, to reduce the discharge of pollutant(s) of concern that contribute to the impairment of the water body.

c) In addition, no later than three years following the submission of the SWMP, DNER shall submit a notice of modification to amend the SWMP to include any additional BMPs to address the pollutant(s) of concern.

2. The Annual Reports shall include information on an analysis of how the selected BMPs have been effective in reducing the pollutant(s) of control.

VIII. Program Evaluation and Reporting

A. Program Evaluation:

1. DNER shall annually self-evaluate its compliance with the terms and conditions of the SWMP. DNER shall maintain the annual evaluation documentation as part of the SWMP records.

2. DNER shall evaluate the appropriateness of the selected BMPs in

achieving the objectives of each control measure and the defined measurable goals. DNER may change BMPs in accordance with the following provisions:

a) Changes adding (but not subtracting or replacing) components or controls may be made at any time.

b) Changes replacing an ineffective or infeasible BMP specifically identified in the SWMP with an alternative BMP may be made if the proposed changes meet the criteria of either (3) and/or (4), below:

3. BMP modification documentation shall include the following information and all documentation shall be kept in the SWMP:

a) An analysis of why the BMP is ineffective or infeasible;

b) Expectations on the effectiveness of the replacement BMP; and

c) An analysis of why the replacement BMP is expected to achieve the defined goals of the BMP to be replaced.

DNER shall indicate BMP modifications along with a brief explanation of the modification in each Annual Report to be submitted to EPA.

4. EPA or EQB may require DNER to add, modify, repair, replace or change BMPs or other measures described in the Annual Reports as needed:

a) To address impacts to receiving water quality caused or contributed to by discharges from the MS4;

b) To satisfy conditions of the SWMP;

c) To include more stringent requirements necessary to comply with new Commonwealth of Puerto Rico or federal legal requirements; or

d) To include such other conditions deemed necessary to comply with the goals and requirements of the CWA.

Any changes requested by EPA or EQB will be in writing, will set forth the schedule for DNER to develop the changes and will offer DNER the opportunity to propose alternative program changes to meet the objective of the requested modification.

B. Reporting. Unless this information is provided in an Annual Report, the Quarterly Progress Reports due under the Consent Decree must also include an assessment of the appropriateness of the selected BMPs. An assessment of the progress towards achieving the measurable goals and objectives shall include:

1. Evaluation of the public education program including a description of the targeted messages for each audience, method of distribution and dates of distribution, methods used to evaluate the program, and any changes to the program;

2. Description of the activities used to promote public participation including documentation of compliance with Commonwealth of Puerto Rico public notice regulations;

3. Description of the activities related to implementation of the IDDE program including: status of the map, number of illicit discharges identified,

number of illicit discharges removed, gallons of flow removed, identification of tracking indicators and measures of progress based on those indicators; and employee training;

4. Status of the SOPs, O&PM Plans, and SPCC Plans required in Section VI, above;

5. Description of activities for the next reporting cycle;

6. Description of any changes in identified BMPs or measurable goals; and

7. Description of activities undertaken by any entity contracted for achieving any measurable goal or implementing any control measure.

IX. Stormwater Management Program Availability

A. DNER shall retain a copy of the SWMP at the office or facility of the person listed as the program contact. The SWMP shall be immediately available to representatives from EPA and EQB at the time of an onsite inspection or upon request.

B. DNER shall make the SWMP available to the public during normal business hours. DNER may charge a reasonable fee for copy requests. DNER is encouraged to satisfy this requirement by posting the SWMP online or making it available upon written request.

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Warning Sign Design and Warning Language

DNER APPENDIX B – WARNING SIGNS

DNER's Warning Signs required under the CD:

1. shall be in substantially the same form as one to be approved by EPA (Below);
2. shall measure at least 24 inches tall and 18 inches wide;
3. The bottom of the sign shall be at least 5' high.
4. shall be made of a durable, weatherproof material;
5. shall be readily visible to the unaided eye from a distance of 100 feet;
6. shall, if located within 100 feet of a water body, be visible both from the water and from the land (Note that the discharge channel from the Baldorioty de Castro Pump Station needs to have signage on the west side of the discharge channel facing west.);
7. shall describe the nature of the risk of exposure to sewage and contaminated water in bilingual text;
8. shall include diagrams indicating that wading, swimming and fishing are prohibited; and
9. shall include a telephone number and identification of the entity responsible for placing and maintaining the signs.
10. BALDORIOTY DE CASTRO DISCHARGEE CHANNEL WARNING SIGNS - Warning signs will be installed along the outlet/effluent channel of the Baldorioty FCPS to inform recreational users of the lagoon about the risk of contact with potentially contaminated water. Signs will be mounted using wood stakes and the bottom of the sign will be at least 5 feet, and approximately 15 feet apart from each sign, starting from the end of the DNER property where the concrete channel ends, all the way to a distance of up to 400 ft to the end of the vegetated area leading to the Los Corozos Lagoon. Field adjustments may be required to meet the proposed separation, based on the conditions of the soil, private property, depth of water, etc. These signs will be inspected, repair or replaced as described in the Consent Decree, to ensure that the intention of informing recreational users about the risk that occurs near the discharge area of the Baldorioty FCPS.

WARNING

Possible Sewage Contamination
Contact With Water May Cause Illness

AVISO

Posible Contaminación de Aguas Negras
El contacto con esta agua puede causar enfermedades

Para reportar olores fuertes u objetables, o decoloración del agua llame al 787-999-2200, xt. 2164

Report Foul Odors or Unusual Discoloration Call 787-999-2200, xt. 2164

Reference Sign No. ____

Appendix C to the Consent Decree between the
United States and the Puerto Rico Department of Natural and Environmental Resources in
U.S. v. Municipality of San Juan, et al., 3:14-CV-1476 (D.P.R.) (CCC)

Pump Station Checklist

Appendix C: Pump Station Checklist

Daily Operation and Maintenance Procedure and Checklist
DNER Pump Stations

1.0 Purpose

1.1 To establish the standard procedure to complete the daily checklist and operational parameters collection for DNER Storm Water Pump Station within the Municipality of San Juan.

2.0 Requirements

2.1 All personnel that follow this procedure are required to comply with the safety rules established by law. These include, but are not limited to Safety Guards (29 CFR 1910.211), Falls Prevention (29 CFR 1910.23), Falls Prevention Equipment (29 CFR 1926.5(7). Personal Protection Equipment (29 CFR 1910.132) and Hazardous Materials Stored in Containers (EPA 40 CFR 264 and 265).

2.2 Use Checklists on page 3, "Operations and Maintenance Procedures and Checklists" to record daily tasks conducted at DNER Pump stations.

- 2.2.1 Record the current date in the space provided.
- 2.2.2 If a task can't be conducted or verified, place an asterisk (*) in the space provided and document the reason and/or the situation in the comments section.
- 2.2.3 If there are no comments, draw a line starting at the upper left side through the lower right side and write N/A.
- 2.2.4 Check that the form has been entirely completed (without any empty spaces) and proceed to sign it in the space provided.
- 2.2.1 The employee must sign the checklist at the end of the day. The completed form will be collected on a weekly basis for review and approval by the designated supervisor.

3.0 Inspection Checklist Procedure (varying frequencies as indicated below)

3.1 This form will be filed during the pre-designated shift as the first activity when starting the shift.

3.2 Conduct the daily check as specified in checklist on page 4.

3.3 Complete Checklist, on page 4, checking in the space provided below Yes, when it is completely verified as established.

3.4 Complete Checklist, on page 4 checking in the space provided below No, if it could not be verified as established.

- 3.4.1 Indicate in the space provided for “Deficiencies/Corrective Actions” any incident or situation that is not specified on the checklist.

3.5 Complete the comments section providing any additional information including, but not limited to:

- 3.5.1 Information related to contractors visiting or working in the pump station.
- 3.5.2 Information related to visits to the Pump Station.
- 3.5.3 Any irregular situation.
- 3.5.4 If there are no comments, draw a line starting at the upper left side through the lower right side and write N/A.

4.0 Pumping System Procedures (daily)

4.1 Record daily readings of the pump’s run time (reading from run time recorder, and the start and end clock reading) every time that the pumps operate.

4.2 Use the checklist comments section to record any strange or unusual situation.

5.0 Bar Rack Procedures (daily)

5.1 Inspect the status of the bar rack mechanical cleaning system (rake mechanism). Indicate if it is operational or if not. If it is operational, activate system to remove material from bar rack.

5.2 Record the status of the oil sorbent booms, including the presence of oily material in the water.

5.3 Alert supervisor if it is time to replace booms.

5.4 Verify if there are spare boom materials available and inform supervisor about any shortage.

5.5 Use the checklist comments section to record any strange or unusual situation.

6.0 Facility and Surrounding Areas Procedures (daily)

6.1 Inspect the facility fences, yards, lawns, roads, gates, and building access doors and provide the required status of key components.

6.2 Ensure that the facility is clean, has no trash, debris, or foreign material stored on the grounds of the station.

6.3 Make sure that stormwater runoff generated at the site is properly directed to storm drains, and that there is no potential for onsite contamination of runoff.

6.4 Use the checklist comments section to record any strange or unusual situation.

7.0 Emergency Generator Test Procedures (daily and weekly)

7.1 Every Monday (at least once a week) the emergency generator unit will be automatically or manually turned on as part of its normal operation

7.2 Using Table A-IV

7.2.1 Write down the emergency generator unit's startup time.

7.2.2 Write down the time when the emergency generator unit stopped.

7.3 Use the comments section to record any strange or unusual situation

8.0 Rain Gauge Log Procedure (daily)

8.1 Record the rain inches from the rain data log on a daily basis.

8.2 Using the checklist, on Section VIII:

8.2.1 Record the registered amount of rain in inches.

8.2.2 Record in the comments section any strange or unusual situation (for example, any runoff other than storm water.)

8.3 Verify that the rain water collection instrument is working properly and write down any anomalies in the comments section.

9.0 Parts Storage and Inventory (monthly)

9.1 Ensure that there is sufficient supply of spare parts for pumping units as applicable.

9.2 Ensure that there is sufficient supply of spare units for monitoring instrumentation, such as probes, sampling pumps, sampling hoses, sampling valves, sampling materials, diagnostic strips, etc.

9.3 Keep and inventory of essential spare parts and manuals for the instruments and equipment that are used during the normal operation, and maintenance of DNER Storm Water Pump Stations within the Municipality of San Juan.

Operations & Maintenance Procedures & Checklists
DNER Flood Control Pumping Stations in San Juan
Inspection Checklists

Date _____/_____/_____

I. Pumping System Inspection (Once/day)

Tasks	Pump no. 1		Pump no. 2		Pump no. 3		Pump no. 4		Pump no. 5		Pump no. 6		Pump no. 7	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
The pump is operational?														
Write relevant information regarding deficiency and corrective action planned for each:														

Complete the following information for any pump that is operational:

Tasks	Pump no. 1		Pump no. 2		Pump no. 3		Pump no. 4		Pump no. 5		Pump no. 6		Pump no. 7	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
The pump's switch is set to "auto"														
The pump's switch is set to "Manual"														
The pump's switch is set to "Off"														
Verify that the oil level is above minimum														
Check if there is any oil slick around the equipment														
Check that the outer surface of the electric motor has no dirt, dust or other foreign materials														
Check that the engine ventilation grills have no dirt, dust or other foreign materials														
If pump is activated during inspection, verify that each of the pumps have no excessive vibration unusual noises or any other observable failure														
Write relevant information regarding deficiency and corrective action planned for each:														

II. Bar Rack Inspection (Once/day-Wet Well to be inspected using Appendix D)

Tasks	Yes	No	Deficiency/Corrective Action
If rake system is in operation, and solids are accumulated, activate rake and clean the Bar Rack until it is waste free.			
Verify that the oil absorbent boom is installed correctly. It should be in horizontal position, and properly fixed.			
Check if there is any oil spill around the equipment.			
Check if there are spare boom materials.			

III. Facility and Surrounding Areas Inspection (Once/day)

Tasks	Yes	No	Deficiency/Corrective Action
Check that the fence is not broken.			
Verify that non-hazardous waste containers are properly stored and labeled.			
Check that containers for the oil absorbent (oil booms, granular material, or pads) are adequately covered and labeled.			
If applicable, make sure that all drains and manholes lids are in place.			
Make sure that all drains are in good condition and are not corroded.			

IV. Emergency Generator Unit Inspection (Once/day; exercise once per week)

Tasks	Yes	No	Deficiency/Corrective Action
1. Check that the emergency generator unit enclosure, access doors, or locks are locked.			
2. Check the fuel level in the diesel fuel storage tank.			
3. Check whether there is spilled coolant.			
4. Check whether there is spilled oil.			
5. Make sure that all the light bulbs are functional.			
6. Record the amount of hours that the emergency generator unit was in operation.			Hours of Operation Reading: _____
7. Check the battery status.			

V. Rain Gauge Meter Inspection (once/day; inspect water quality monitoring equipment using Appendix D)

Tasks	Yes	No	Deficiency
1. Verify that the rainwater meter display is working (batteries, digits are visible).			
2. Make sure that there are replacement batteries.			
Rainfall inches			
Time of Reading			

Certification:

_____ _____

Operator Name Operator Signature

_____

Date

VI. Parts Storage Inventory Procedures (once/month)

Tasks	Yes	No	Deficiency
3. Verify that spare parts related to the pumping system are available.			
4. Make sure that there are replacement spare parts for the monitoring equipment.			

_____ _____

Supervisor/Contact Name Supervisor/Contact Signature

_____

Date

Appendix D to the Consent Decree between the
United States and the Puerto Rico Department of Natural and Environmental Resources in
U.S. v. Municipality of San Juan, et al., 3:14-CV-1476 (D.P.R.) (CCC)

Influent Reconnaissance Inventory/Sample Collection Field Sheet

APPENDIX D - INFLUENT RECONNAISSANCE INVENTORY/ SAMPLE COLLECTION FIELD SHEET
BALDORIOTY DE CASTRO FLOOD CONTROL PUMP STATION

Section 1: Background Data

Subwatershed: Playita Ocean Park	Land Use in Drainage Area: Urban, Commercial and Institutional
Today's date:	Time (Military):
Operator Name:	Supervisor Name:
Notes (Describe presence of Solids, Odors, Foam, Grease, Oil Sheens, Pollutants, Discoloration in the influent waters):	

Section 2: Quantitative Characterization

FIELD DATA FOR FLOWING OUTFALLS				
PARAMETER		**RESULT**	**UNIT**	**EQUIPMENT**
Playita	Total Volume		Gallons	Flowmeter
	Flow depth		Inches	Flowmeter
	Flow		GPM	Flowmeter
Ocean Park	Total Volume		Gallons	Flowmeter
	Flow depth	_____	Inches	Flowmeter
	Flow	_____	GPM	Flowmeter
Temperature			°F	Sensor
pH			pH Units	Sensor
Ammonia			mg/L	Sensor

Section 3: Physical Indicators for Inflow

Are any Physical Indicators Present in the flow? ☐ Yes ☐ No (*If No, Skip to Section 4)*

INDICATOR	CHECK if Present	DESCRIPTION	RELATIVE SEVERITY INDEX (1-3)		
Odor	☐	☐ Sewage ☐ Rancid/sour ☐ Petroleum/gas ☐ Sulfide ☐ Other:	☐ 1 – Faint	☐ 2 – Easily detected	☐ 3 – Noticeable from a distance
Change of color	☐	☐ Clear ☐ Brown ☐ Gray ☐ Yellow ☐ Green ☐ Orange ☐ Red ☐Other:	☐ 1 – Faint colors in sample bottle	☐ 2 – Clearly visible in sample bottle	☐ 3 – Clearly visible in outfall flow
Floatables	☐	☐ Toilet Paper ☐ Trash ☐ Bottles ☐ Foam ☐ Petroleum (oil sheen) ☐ Plastic Bags ☐ Grease ☐ Other:	☐ 1 – Few	☐ 2 – Some	☐ 3 - Many

Section 4: Condition of Bar Screen

Screen	Floatables/ Garbage CHECK if Present	DESCRIPTION	Amount of Waste Accumulated
Primary Pumps	☐	☐ Bottles ☐ Plastic Bags ☐ Other:	Removal of Accumulated Wastes Needed ☐ Yes ☐ No
Low Flow Pumps	☐	☐ Bottles ☐ Plastic Bags ☐ Other:	Removal of Accumulated Wastes Needed ☐ Yes ☐ No

PROCEDURE FOR COMPLETING THIS FORM:

1. **THIS FORM MUST BE FILLED ONCE PER DAY DURING DAYTIME HOURS AND ALSO DURING PERIODS WHEN THERE ARE ABNORMAL CONDITIONS NOTED DURING THE BAR RACK AND WET WELL INSPECTIONS UNDER APPENDIX C.**
2. **INSTALL SAFETY EQUIPMENT AS NECESSARY TO ENABLE THE COLLECTION OF SAMPLES.**
3. **COMPLETE SECTIONS 1 THROUGH 4.**
4. **FURTHER INSTRUCTIONS ARE ON THE BACK OF THE FORM.**
5. **IF MEASURED OR OBSERVED THRESHOLD LEVELS ARE EXCEEDED, REPORT IMMEDIATELY TO SUPERVISOR. (OPERATORS SHALL RECEIVE TRAINING REGARDING THRESHOLD LEVEL DETECTION)**
6. **MAINTAIN THE MONITORING AND FOLLOW UP OF CONTAMINATION EVENTS UNTIL RESOLVED.**
7. **REPORT EVENT TO THE NEXT OPERATOR DURING A SHIFT CHANGE. OPERATORS MUST REPORT ANY CONTAMINATION EVENT TO THE SUPERVISOR BEFORE CHANGING SHIFTS.**
8. **REPORT THE TIME AND DATE WHEN THE CONTAMINATION EVENT HAS BEEN CLEARED OR RESOLVED.**

Certification:

_____	_____	_____
Operator Name	**Operator Signature**	**Date**
_____	_____	_____
Supervisor Name	**Supervisor Signature**	**Date**

Section 2 and 3 Instructions:

1. This section is designed to be completed using information obtained directly from field Temp, pH and Ammonia Sensors instrument displays.
2. Instruments need to be properly installed, have adequate submergence, and undergo periodic maintained by cleaning probes and connectors.
3. The DNER may contract a company for the maintenance, repair, and calibration services required to comply with the continuous monitoring requirements of the Consent Decree.
4. Operator making observations shall have proper training as to the method, techniques, procedure for making these observations.
5. Operator will use the required safety equipment before collecting samples or making observations of the water. Operators conducting these procedures must have a certificate for the OSHA 40 hour training.
6. The Operator will obtain a sample of the influent water and place it inside a transparent glass container to assist in the observation process.
7. Instruments need to be calibrated at least once per month using field test kits.
8. An official calibration has to be performed on each instrument at the frequency recommended by the manufacturer, but not exceeding once per year. A calibration sticker shall be mounted in the equipment to reflect the effective date of calibration. The operator shall include a special note to indicate that the calibration is near expiration 45 days in advance, to allow sufficient time for the DNER to obtain the recalibration service.
9. One spare probe for each monitoring parameter must be kept available by DNER to ensure that continuous monitoring is not interrupted.

Reporting Requirements:

1. The Operator will contact the Pumping Section of the Regional Operations Division of the DNER (787-999-2200 X2468; X2469) in the event that ammonia levels are 3.0 mg/L or above.
2. The Pumping Section Office is responsible of contacting the Authorized Representative of the jurisdictions that have interconnected infrastructure (MSJ, MAC, DTOP and PRASA), to inform that contamination was detected in the influent of the FCPS.
3. In case of extreme duration or excessive amounts of contaminated water observed at the wet well, the Operator/Supervisor of the Pumping Station will contact the Inter Agency Coordinator of the Emergency Management Office (787-999-2200 X6600 [daytime only]).
4. In the event of an emergency or safety situation, the Operator/Supervisor shall contact the Cuerpo de Vigilantes 787-724-5700 or 787-771-1124 [Centro de Mando - 24 hrs/day]). This includes events when the ammonia threshold level is exceeded, and also for events where there is suspicion of an oil spill reaching the wet well as recognized by physical indicators (strong petroleum odor, significant discoloration or extreme pH values).
5. The Pumping Section Office will also send to the interconnected jurisdictions, a written report of the incident including date, time, description of the water, and result of the measurement.
6. The Pumping Section Office will prepare an Event Summary Report, including the duration of the event, problem or contamination detected, the solution provided by the responsible party, and the date and time that the problem was resolved. Depending on the severity and duration of the contamination event immediate reporting to EPA and EQB may be required.
7. These reports will be included in the Quarterly Report to be sent to EPA.

Appendix E to the Consent Decree between the
United States and the Puerto Rico Department of Natural and Environmental Resources in
U.S. v. Municipality of San Juan, et al., 3:14-CV-1476 (D.P.R.) (CCC)

Operation and Maintenance Plan

Appendix E
Operations and Maintenance Manual
Table of Contents

San Juan Flood Control Pumping Station
Department of Natural and Environmental Resources
Ver. 6; June 29, 2015

Appendix F to the Consent Decree between the
United States and the Puerto Rico Department of Natural and Environmental Resources in
U.S. v. Municipality of San Juan, et al., 3:14-CV-1476 (D.P.R.) (CCC)

Pump Station Monitoring Parameters

APPENDIX F – DNER PUMP STATION MONITORING PARAMETERS

Table 1 - De Diego Pump Station Routine Monitoring By Grab Sample*		
Based Upon Priority Pollutants Scan 12/3/12 as well as conventional pollutant data from 4/16/12, 4/27/12, and 5/2/12		
Water Body Classification - SB (Condado Beach)		
Name of Pollutant	**Units**	**Monitoring Frequency****
Flow Rate Estimate	MGD	Daily
Precipitation	Inches	Daily
Ammonia	mg/L	Once per Month (Or by Continuous Monitoring)
BOD (Biochemical Oxygen Demand)	mg/L	Once per Month
Chlorine, Total Residual	mg/L	Once per Shift (3x per day) if disinfection is being conducted, otherwise Once per Week.
Color	Pt-Co	Once per Month
Copper	mg/L	Once per Month
Dissolved Oxygen	mg/L	Once per Month
Fecal Coliform	MPN/100 mL	1 per week
Fecal Enterococcus	MPN/100 mL	1 per week
Coliform, Total	MPN/100 mL	1 per week
Oil and Grease (hexane)	mg/L	Once per Month
pH	S.U.	Once per Month
Settleable Solids	mg/L	Once per Month
Surfactants	mg/L as LAS	Once per Month
Temperature	°C	Once per Month
Nitrogen, Total	mg/L	Once per Month
TSS	mg/L	Once per Month
Turbidity	NTU	Once per Month
Zinc	mg/L	Once per Month
Potassium	mg/L	Once per Month
Total Organic Carbon	mg/l	Once per Month
Total Dissolved Solids	mg/l	Sample either TDS or Specific Conductance. Once per Month
Specific Conductance	µmhos/cm	
Volatile Suspended Solids	mg/l	Once per Month
Bromodichloromethane (dichlorobromomethane)	µg/l	Once per Month if conducting chemical disinfection
Chloroform	µg/l	
Tribromomethane (bromoform)	µg/l	
Chlorodibromomethane	µg/l	

*All monitoring and analysis must be representative of the discharge and collected in accordance with 40 CFR Part 136 at the pump station wet well, discharge point or at a point in the pipe in between the wet well and discharge point.

** For parameters sampled monthly, at least 6 samples per year shall be collected during dry weather (no less than 24 hours from the end of a rainfall event 0.1" or greater) and no less than 3 samples shall be collected during wet weather (wet weather - during or within 4 hours of a rainfall equal to or greater or equal to 0.5"). For samples required weekly at least 25% of the samples shall be conducted during wet weather.

Table 2 - Baldorioty de Castro Pump Station Routine Monitoring by Grab Sampling*		
Based Upon Priority Pollutants Scan 12/3/12 as well as conventional pollutant data from 4/16/12, 4/27/12, and 5/2/12		
Water Body Classification - SB (tributary to Los Corozos Lagoon)		
Name of Pollutant	**Units**	**Monitoring Frequency****
Flow Rate Estimate	MGD	Daily
Precipitation	Inches	Daily
Ammonia	mg/L	Once per Month or by Continuous Monitoring
BOD	mg/L	Once per Month
Chlorine, Total Residual	mg/L	Once per Shift (3x per day) if disinfection is being conducted, otherwise Once per Week.
Color	Pt-Co	Once per Month
Copper	mg/L	Once per Month
Dissolved Oxygen	mg/L	Once per Month
Fecal Coliform	MPN/100 mL	Once per Month
Fecal Enterococcus	MPN/100 mL	Once per Month
Total Coliform	MPN/100 mL	Once per Month
Free Cyanide	ug/L	Once per Month
Oil and Grease (hexane)	mg/L	Once per Month
pH	S.U.	Once per Month
Settleable Solids	mg/L	Once per Month
Sulfide	mg/L	Once per Month
Surfactants	mg/L as LAS	Once per Month
Temperature	°C	Once per Month
Total Coliform	MPN/100 mL	Once per Month
Specific Conductance	µmhos/cm	Sample either TDS or Specific Conductance. Once per Month
Total Dissolved Solids	mg/l	
Total Nitrogen	mg/L	Once per Month
Total Organic Carbon	mg/l	Once per Month
TSS	mg/L	Once per Month
Turbidity	NTU	Once per Month
Zinc	mg/L	Once per Month
Volatile Suspended Solids	mg/l	Once per Month
Bromodichloromethane (dichlorobromomethane)	µg/l	Once per Month if conducting chemical disinfection
Chloroform	µg/l	
Tribromomethane (bromoform)	µg/l	
Chlorodibromomethane	µg/l	

*All monitoring and analysis must be representative of the discharge and collected in accordance with 40 CFR Part 136 at the pump station wet well, discharge point or at a point in the pipe in between the wet well and discharge point.

** For parameters sampled monthly, at least 6 samples per year shall be collected during dry weather (no less than 24 hours from the end of a rainfall event 0.1" or greater) and no less than 3 samples shall be collected during wet weather (wet weather - during or within 4 hours of a rainfall equal to or greater or equal to 0.5"). For samples required weekly at least 25% of the samples shall be conducted during wet weather.

Table 3 - Barriada Figueroa Pump Station (Stop 18 PS) Routine Monitoring by Grab Sampling*		
Based upon Priority Pollutants Scan 12/3/12 as well as conventional pollutant data from 4/16/12, 4/27/12, and 5/2/12		
Water Body Classification - SB (tributary to Martin Peña Channel)		
Name of Pollutant	**Units**	**Monitoring Frequency****
Flow Rate Estimate	MGD	Daily
Precipitation	Inches	Daily
Ammonia	mg/L	Once per Month or by Continuous Monitoring
BOD	mg/L	Once per Month
Chlorine, Total Residual	mg/L	Once per Shift (3x per day) if disinfection is being conducted, otherwise Once per Week.
Color	Pt-Co	Once per Month
Copper	mg/L	Once per Month
Dissolved Oxygen	mg/L	Once per Month
Fecal Coliform	MPN/100 mL	Once per Month
Fecal Enterococcus	MPN/100 mL	Once per Month
Free Cyanide	ug/L	Once per Month
Oil and Grease (hexane)	mg/L	Once per Month
pH	S.U.	Once per Month
Settleable Solids	mg/L	Once per Month
Surfactants	mg/L as LAS	Once per Month
TDS	mg/L	Sample either TDS or Specific Conductance. Once per Month
Specific Conductance	µmhos/cm	
Temperature	°C	Once per Month
Total Coliform	MPN/100 mL	Once per Month
Total Nitrogen	mg/L	Once per Month
Total Organic Carbon	mg/l	Once per Month
TSS	mg/L	Once per Month
Turbidity	NTU	Once per Month
Volatile Suspended Solids	mg/l	Once per Month
Zinc	mg/L	Once per Month
Potassium	mg/L	Once per Month
Bromodichloromethane (dichlorobromomethane)	µg/l	Once per Month if conducting chemical disinfection
Chloroform	µg/l	
Tribromomethane (bromoform)	µg/l	
Chlorodibromomethane	µg/l	

*All monitoring and analysis must be representative of the discharge and collected in accordance with 40 CFR Part 136 at the pump station wet well, discharge point or at a point in the pipe in between the wet well and discharge point.

** For parameters sampled monthly, at least 6 samples per year shall be collected during dry weather (no less than 24 hours from the end of a rainfall event 0.1" or greater) and no less than 3 samples shall be collected during wet weather (wet weather - during or within 4 hours of a rainfall equal to or greater or equal to 0.5"). For samples required weekly at least 25% of the samples shall be conducted during wet weather.

Table 4: DNER did not monitor for the following priority pollutants and therefore must conduct screening for each of these pollutants once at the 3 Pump Stations or provide existing data for these parameters to EPA
1,1,2,2-tetrachloroethane
1,1-dichloroethylene
1,2,3 Trichloropropane
1,2-dichlorobenzene
1,2-dichloropropylene
1,2-diphenylhydrazine
1,2-trans-dichloroethyhlene
4,1,1,2-Tetrachloroethane
4,1,2,2-Tetrachloroethane
4,6-dinitro-o-cresol
Bis (2-ethylhexyl)phthalate
Butyl benzyl phthalate
Chlorodibromomethane
Demeton-o,s
Dichlorobromomethane
Epichlorohydrin
n-Butylbenzene
N-nitrosodiumethalamine

Appendix G to the Consent Decree between the
United States and the Puerto Rico Department of Natural and Environmental Resources in
U.S. v. Municipality of San Juan, et al., 3:14-CV-1476 (D.P.R.) (CCC)

Reimbursement Claim Form and Procedures

Appendix G

Procedures Relating to and Reimbursement Claim Form for use pursuant to Para. 15 of Consent Decree with the Puerto Rico Department of Natural and Environmental Resources in United States v. Municipality of San Juan, Puerto Rico Department of Natural and Environmental Resources, Puerto Rico Department of Transportation and Public Works, Puerto Rico Highway and Transportation Authority, and the Commonwealth of Puerto Rico, 14-CV-1476 (CCC)

Procedures: Claims for reimbursement by San Juan, DTPW, and/or HTA must be submitted to the Puerto Rico Department of Natural and Environmental Resources ("DNER") and EPA within forty-five (45) days after each anniversary of the Effective Date of the Consent Decree between the United States and DNER. Except for claims seeking excess funds following completion of Phase IV activities (as contemplated below), only claims for costs incurred in the prior year (from the Effective Date to the first anniversary and each subsequent anniversary, as the case may be) will be considered for reimbursement. Claims must be submitted using the attached Reimbursement Claim Form and include supporting documentation, itemization, and certification. On completion of all Phase IV activities relating to the DNER Pump Station sewersheds and reimbursement of valid claims, excess funds may be disbursed, as determined by EPA, on a pro-rata basis to reimburse as yet unreimbursed, valid claims for work under Phases I through III for the Stage I Work Plans pertaining to the DNER Pump Station sewersheds. Any determinations made by EPA pursuant to this paragraph shall be in its sole discretion. If the Court does not enter the Consent Decree between the United States and DNER, and the time for any appeal of that decision has run or if the Court's denial of entry is upheld on appeal, the monies placed in the Court Registry Account, together with accrued interest thereon (less miscellaneous schedule fees), shall be returned to DNER, unless otherwise ordered by the Court.

Nothing in the DNER Consent Decree or the Consent Decree to which this document is appended shall be construed to limit the Parties to this action from agreeing to a reallocation of funds to be paid into the Court Registry Account and to be available for reimbursement, to effect the timely and efficient completion of the objectives of this Consent Decree. A copy of any request for payment must be sent by email to DNER at the time it is submitted for EPA's consideration. Subject to EPA determination of the validity of the claim for reimbursement, DTPW and HTA (collectively) and San Juan shall be entitled to an initial disbursement of 20% of the amounts in the Court Registry Account and EPA shall allocate the remaining funds in proportion to the amount of subsequent valid claims for reimbursement. Subject to the proceeding sentence, available funds shall be allocated such that between the Effective Date and the sixth anniversary of the first installment payment, not less than 40% of the funds disbursed shall be for physical construction work contemplated by Phase IV activities, thereafter, not less than 80% of the funds disbursed shall be used for such purpose.

Instructions: Print or type information requested and sign certification before submitting to EPA at the address listed in the Notice provisions of Section XI of the Consent Decree with the Puerto Rico Department of Natural and Environmental Resources.

Claim Information	Number of pages including this cover sheet ____		
Name of Party Requesting Reimbursement			
Address			
Telephone Number			
E-mail Address			
Amount of costs incurred (include itemized costs on reverse or attached)			
Identification of Priority Area, Subward, and Phase (I-IV) for which costs were incurred (by Sub-Ward)	Priority Area	Subward	Phase (I-IV)
Amount of reimbursement requested			
Invoices and Backup Documentation Attached? (Failure to attach invoices will result in a denial)	Yes	No	
Brief description of Work performed			
Quarterly Report in which elimination of illicit discharges or reductions in contaminated flows relating to this work are documented	Cite to applicable Quarterly Report here		

Certification	
I certify under penalty of law that the party on whose behalf I am submitting this claim for reimbursement is entitled to file such claim pursuant to the Consent Decree in the above-referenced matter. I further certify that the party has not been reimbursed for these expenses and that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations. I further acknowledge that although the party on whose behalf I am submitting this form is entitled to request reimbursement, there is no guarantee that the claim will be honored in whole or in part and I understand that any determination made by EPA on this claim is in its sole discretion.	
Signature	
Name and Title	

Itemized Reimbursement Form (attach additional copies, as needed)						Contractor Address, Telephone, E-mail				
Contractor Name										
Work Performed for						Project Location/Contract No.				
Description				Materials		Labor				
Line No.	Item	Unit	Qty.	Unit	Total	Hours	Average Rate	Total	Other Direct Costs	Line Total
Sheet total										

Appendix H to the Consent Decree between the
United States and the Puerto Rico Department of Natural and Environmental Resources in
U.S. v. Municipality of San Juan, et al., 3:14-CV-1476 (D.P.R.) (CCC)

Tier II Requirements for Stipulated Penalties

Appendix H

DNER Consent Decree Tier II Requirements

Tier II Requirements	V.9.a	Submit a NOI or individual NPDES Application
Tier II Requirements	V.9.b. and 9.d	Submit and implement a SWMP consistent with Appendix A and any amended SWMP.
Tier II Requirements	V.9.c	Implementation and compliance with all applicable permit requirements if DNER is determined to own stormwater collection systems.
Tier II Requirements	V.10.b.iv	Complete permanent installation of booms
Tier II Requirements	V.10.c.i	Build and Install Aerosol measures
Tier II Requirements	V.10.c.ii	Installation of Discharge Channel Perimeter Fencing, Signs, or Other Measures
Tier II Requirements	V.10.d.i	Installation of continuous monitoring equipment
Tier II Requirements	V.10.c.iii	Install baffle wall according to design plan
Tier II Requirements	V.11.b	Conduct triannual cleanups
Tier II Requirements	V.11.c	Conduct annual cleanups
Tier II Requirements	V.11.d	Implementation of SOP for cleaning and maintaining manual and mechanical bar screens
Tier II Requirements	V.11.e	Proper sludge disposal
Tier II Requirements	V.11.f	Monitoring of sediment/sludge depth in Pump Station wet wells
Tier II Requirements	V.11.h.ii, h.v, and h.vi	Implementation of O&PM Plan
Tier II Requirements	V.12.b	Construct, complete, and place into operation the necessary equipment and infrastructure at the DNER Pump Stations as established in SPCC

Tier II Requirements	V.13.a	Monitoring at each of the DNER Pump Stations
Tier II Requirements	V.13.b.i	Implement recommendations of automatic bar screen Feasibility Study
Tier II Requirements	V.13.b.iv	Install the floatables controls identified in DNER's final floatables report
Tier II Requirements	V.13.c, d, and e	Timely make payments to the Court Registry Account